

**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEW HAMPSHIRE**

Laurie Ortolano,)
V.)
Steven Bolton and Celia Leonard)
Defendant)

**PLAINTIFF'S OBJECTION TO MOTION TO QUASH SUBPOENA TO
KIMBERLY HOUGHTON**

NOW COMES the Plaintiff, Laurie Ortolano, and hereby objects to the Motion to Quash filed by Kimberly Houghton regarding the subpoena to appear and testify at trial scheduled for June 24, 2025. In support of this objection, Plaintiff states as follows:

1. Ms. Houghton received actual notice and has not alleged that she is unable to comply with the subpoena and she does not claim undue burden. Ms. Houghton's prompt filing of a motion to quash demonstrates that she received the subpoena and was able to respond appropriately. The purpose of Rule 45's service requirement—to ensure notice and an opportunity to respond—was fulfilled.
2. Although Ms. Houghton asserts the subpoena was served fewer than 14 days before the hearing, Rule 45 does not mandate a 14-day notice period for attendance at a hearing or trial; that period applies to production of documents. See Fed. R. Civ. P. 45(d)(3)(A)(i). The subpoena does not require the production of documents. The subpoena was served 8 days prior to her attendance. The time for compliance was reasonable.
3. Although Plaintiff acknowledges that the provisions of Rule 45 should be attached, the absence of the attachment does not alone warrant quashing the

subpoena. The amended subpoena was re-served on June 18, 2025, at 6:54pm, which included the Fed. R. Civ. P. 45 statement. The Rule 45 statement was texted to Kimberly Houghton on June 18, 2025, at 8:31am.

4. A memorandum is not necessary since the Plaintiff is relying on the Federal Rules of Civil Procedure referenced herein.

WHEREFORE, Plaintiff respectfully requests that this Court deny the motion to quash, order Ms. Houghton to appear as commanded, and grant such further relief as may be just.

Dated: June 19, 2025

Respectfully Submitted by,

/s/William Aivalikles
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CERTIFICATE OF SERVICE

I certify that a copy of this filing was served via the Court's ECF filing system upon counsel of record.

Dated: June 19, 2025

/s/William Aivalikles
William Aivalikles, Esq.